

FEDERAL COMMUNICATIONS COMMISSION
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February 10, 2011

Barry A. Friedman, Esq.
Thompson Hine LLP
1920 N Street NW, Suite 800
Washington, DC 20036-1600

Re: KHAT(AM), Laramie, Wyoming
Facility Identification Number: 10333
Appaloosa Broadcasting Company, Inc.
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed February 8, 2011, on behalf of Appaloosa Broadcasting Company, Inc. ("Appaloosa"). Appaloosa requests special temporary authority ("STA") to operate Station KHAT with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, Appaloosa states that the nighttime directional antenna system was severely damaged by lightning and is inoperable. Appaloosa states that it is operating during nighttime hours with the daytime nondirectional antenna and reduced power of 250 watts.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth.

Our review indicates that the proposed STA operation complies with the technical provisions of Section 73.1680; however, a virtually identical STA request was filed on August 15, 2007, granted on August 23, 2007, and subsequently extended through December 30, 2009. Our records do not show that licensed operation was restored. Thus, STA is granted with an appropriate condition.

Accordingly, the request for STA IS HEREBY GRANTED. Station KHAT may operate during nighttime hours with an emergency nondirectional antenna and reduced operating power not to exceed 0.25 kilowatt. It will be necessary to further reduce power or cease operation if complaints of interference are received. Appaloosa must notify the Commission when licensed operation is restored.² Appaloosa must use whatever means are necessary to protect workers and the public from exposure to

¹ KHAT is licensed for operation on 1210 kHz with 10 kW daytime and 1 kW nighttime, employing a directional antenna during nighttime hours only (DA-N-U).

² See 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b)

radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310. The authority granted herein does not cover the period between December 30, 2009, and the date of this letter, and is without prejudice as to whatever action the Commission may take with regard to operation of Station KHAT during the foregoing period.

This authority expires on **August 10, 2011**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", with a stylized flourish at the end.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Appaloosa Broadcasting Company, Inc.